

**IN THE UNITED STATES DISTRICT COURT
FOR THE NORTHERN DISTRICT OF MISSISSIPPI
ABERDEEN DIVISION**

**UNITED STATES OF AMERICA upon
the relation and for the use of the
TENNESSEE VALLEY AUTHORITY**

PLAINTIFF

V.

NO. 1:17-CV-117-DMB-DAS

**AN EASEMENT AND RIGHT-OF-WAY
OVER .47 ACRES OF LAND, MORE OR
LESS, IN OKTIBBEHA COUNTY,
MISSISSIPPI and J PERRY
PROPERTIES, LLC**

DEFENDANTS

JUDGMENT

IT IS, ORDERED AND ADJUDGED that:

1. Defendant J Perry Properties, LLC, shall recover from Plaintiff \$12,000 as the full and final amount of just compensation for the taking of the easement and right-of-way condemned in this action, which amount has been deposited by Plaintiff with the registry of this Court and the disbursement of which is provided for in paragraph 2 below.

2. The Clerk of this Court is authorized and directed to draw a check on the funds on deposit in the registry of this Court in the amount of \$12,000, plus any accrued interest thereon less any applicable registry fee, payable to "J Perry Properties, LLC" in full satisfaction of this Judgment, and to mail said check to J Perry Properties, LLC, c/o Jason Perry at 703 Greensboro Street, Starkville, Mississippi 39759.

3. Plaintiff is granted immediate possession of the condemned property and is hereby put into immediate possession of the property described below in Paragraph 4 to the extent necessary to permit the Tennessee Valley Authority to carry on any of its operations described in

the pleadings filed herein, and that Defendant surrenders possession of said property to the Tennessee Valley Authority.

4. The vesting of title in the United States of America, free of all liens, claims, and encumbrances, as evidenced by the Declaration of Taking filed in this action on August 4, 2017 (Doc. No. 2), is hereby fully and finally confirmed with respect to the easement and right-of-way described below, said description being the same as in Attachment 1 to the Declaration of Taking filed herein (Doc. No. 2-1):

A permanent easement and right-of-way, consisting of the perpetual right to enter and to erect, maintain, repair, rebuild, operate, and patrol lines of transmission line structures with sufficient wires and cables for electric power circuits and communication circuits, and all necessary appurtenances, in, on, over, and across said right-of-way, together with the perpetual right to clear said right-of-way and keep the same clear of structures (including but not limited to flagpoles, solar panels, buildings, signboards, billboards), trees, brush, stored personal property, and fire hazards, to destroy or otherwise dispose of such trees and brush; to prevent the drilling or sinking of wells within the right-of-way; and to remove, destroy, or otherwise dispose of any trees located beyond the limits of said right-of-way which in falling could come within five feet of any transmission line structure or conductor located thereon, the Tennessee Valley Authority to remain liable for any direct physical damage to the land and annual growing crops resulting directly from the operations of the construction and maintenance forces of its agents and employees in the erection and maintenance of or in exercising a right of ingress and egress to said transmission line structures, all upon, under, over, and across the following-described land:

TRACT NO. SPHTB-14

A parcel of land located in Section 14, Township 18 North, Range 13 East, of Oktibbeha County, State of Mississippi, as shown on a map entitled "Starkville-Philadelphia 161kV Transmission Line Tap to Bluefield," drawing LW-5579, sheet 5B, R.0, a reduced scale copy of which is attached to the Declaration of Taking filed herein, the said parcel being more particularly described as follows:

Commencing at the northwest corner of Section 14, Township 18 North, Range 13 East and the northeast corner of Section 15, Township 18 North, Range 13 East; thence leaving said corner and with the line of Section 14, Township 18 North, Range 13 East and the east line of Section 15, Township 18 North, Range 13 East S. 00°18' 00" E., 600.22 feet to a found iron pin, said point being a property corner common between the lands of J Perry Properties, LLC and David Severn Kleban,

said point being 15.72 feet left of survey station 136 + 75.05, said point being the point of beginning.

Thence from the point of beginning with the property line common between the lands of J Perry Properties, LLC and David Severn Kleban and with the said section line N. 00° 18' 00" W., 34.28 feet to a point in the north right-of-way line of the said location; thence leaving said point and with the said right-of-way line N. 89° 41' 30" E., 625.55 feet to a point, said point being in the road northwest right-of-way line of the land of Oktibbeha County Mississippi (New Hope Church Road); thence leaving said point and with the said road right-of-way S. 24° 09' 00" W., 35.41 feet to a point, said point being the property corner common between the lands of New Hope Baptist Church and J Perry Properties, LLC, 17.26 feet left of survey station 142+85.94; thence leaving said point and with the property line common between the lands of New Hope Baptist Church and J Perry Properties, LLC, S. 89° 30' 00" W., 610.90 feet to the point of the beginning and containing 0.47 acre, more or less.

Furthermore, the above-described easement rights are acquired with respect to such appurtenant right, title, and interest as the owner of the above described land may have in Tract SPHTB-15, Oktibbeha, County Mississippi (New Hope Church Road), the adjoining road right-of-way shown on the map referenced above.

The above-described parcel of land is lying entirely in the northwest 1/4 of Section 14, Township 18 North, Range 13 East of Oktibbeha County, State of Mississippi.

5. The Clerk of this Court shall furnish to Plaintiff a certified copy of this Judgment which shall serve as a muniment of title.

SO ORDERED, this 5th day of December, 2017.

/s/Debra M. Brown
UNITED STATES DISTRICT JUDGE